

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELLEN ROSE ROBINSON, *et al.*,

Plaintiffs,

v.

PLACER COUNTY, *et al.*,

Defendants.

Case No. 2:21-cv-02037-TLN-JDP (PS)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED
WITHOUT PREJUDICE FOR FAILURE TO
PROSECUTE AND FAILURE TO COMPLY
WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On February 8, 2022, I issued an order vacating the February 17, 2022 hearing on plaintiffs Ellen Robinson and Brenden Fassler's motion for default judgment and defendants' motion to set aside entry of default. ECF No. 27. Copies of that order, which were served on plaintiffs' address of record, were returned as undeliverable for the three minor plaintiffs named in the complaint. Then on May 4, 2022, I issued an order continuing the initial scheduling conference to a later date. ECF No. 28. That order was also served on each plaintiff at their address of record. This time, however, copies of the order were returned as undeliverable for each of the five plaintiffs.

Accordingly, on May 10, 2022, I ordered plaintiffs to show cause, by no later than May 24, 2022, why the case should not be dismissed for failure to prosecute. ECF No. 31; *see* E.D. Cal. L.R. 183(b) ("If mail directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff fails to notify the Court and opposing parties within

sixty-three (63) days thereafter of a current address, the Court may dismiss the action without prejudice for failure to prosecute.”¹ I also warned plaintiffs that failure to comply with that order would result in dismissal of this case. The deadline has passed, and plaintiffs have not provided an updated address of record nor otherwise responded to the May 10 order.

Accordingly, it is hereby RECOMMENDED that

1. This action be dismissed without prejudice for failure to prosecute and failure to comply with court orders. *See* Local Rule 183(b).

2. All pending motions, ECF Nos. 7, 10, 13, 16, 23, & 24, be denied as moot.

3. The Clerk of Court be directed to close the case.

I submit these findings and recommendations to the district judge under 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of California. The parties may, within 14 days of the service of the findings and recommendations, file written objections to the findings and recommendations with the court. Such objections should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The district judge will review the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

IT IS SO ORDERED.

Dated: July 13, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

¹ That order notified plaintiffs that the claims on behalf of the minor plaintiffs could not proceed, and would be dismissed, if counsel was not obtained. ECF No. 31.